

Exhibit E

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

JUANA CRUZ, OFELIA)
BENAVIDES, JOSE ELIAS)
N.G, GABRIELA VELAZQUEZ,)
HELESIO CRUZ, ANGELICA)
CHAVEZ, CONCEPCION PEREZ,)
OLGA PEREZ, MAVRIGO)
SAENZ, JORGE MAOLEON,)
HECTOR SANCHEZ, HECTOR)
GONZALEZ, YESSY PEREZ)
MARTINEZ, MARIA DE)
LOURDES CRUZ, RESENDO)
LIEVANOS, ELIZABETH LARA,)
LUIS ALBERTO ZUNIGIA)
CASTILLO, MIGUEL)
CABALLERO SANCHEZ, CARLOS)
DANIEL LOPEZ, GILDA)
RIVAS, ARMANDO MORALES DE)
LLANO, LAZARO GARCIA,)
MARIA DE JESUS MEDINA,)
RICHARD ESQUIVEL, RAFAEL)
SANCHEZ, GUILLERMO RUIZ,)
ROSA QUINTANILLA,)

PLAINTIFFS,)

VS.)

DELGAR FOODS, LLC A/K/A)
DELIA'S TAMALES,)

DEFENDANT.)

ORAL DEPOSITION OF
ARMANDO MORALES DE LLANO
June 26, 2024

ORAL DEPOSITION of ARMANDO MORALES DE
LLANO, produced as a witness at the instance of the
Defendant, and duly sworn, was taken in the above-styled

1 and numbered cause on the 26th day of June 2024, from
2 2:04 p.m. to 4:55 p.m., before Priscilla R. Maldonado,
3 CSR, in and for the State of Texas, reported by reported
4 by stenograph, at the Law Offices of Ricardo Gonzalez,
5 124 S. 12th Ave, Edinburg, Texas, pursuant to the
6 Federal Rules of Civil Procedure and the provisions
7 stated on the record or attached.

A P P E A R A N C E S

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ALSO PRESENT:

NICOLAS GIBLER, INTERPRETER
MIGUEL CABALLERO, PLAINTIFF
LUIS ZUNIGA, PLAINTIFF
OLGA PEREZ, PLAINTIFF
CARLOS LOPEZ, PLAINTIFF

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10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

PAGE

Appearances.....	3
ARMANDO MORALES DE LLANO	
Examination By Mr. Quezada.....	8
Changes and Signature.....	51
Reporter's Certification.....	53

EXHIBITS

NUMBER	DESCRIPTION	PAGE
Exhibit 1	Declaration	30
Exhibit 2	Request for Production	45

1 Q. And you never complained about them, did you?

2 A. Of --

3 Q. About those words?

4 A. No. Who could I complain to if she was the
5 owner?

6 Q. Well, I didn't ask you that. I asked, did you
7 complain?

8 A. No. I never complained.

9 Q. Okay. So the comment about -- you're saying
10 Ms. Delia made about if people don't want to work, you
11 know, you got to fire them. You said that was a couple
12 years before you were terminated, in December. Would
13 that have been December 2020?

14 A. More or less. I don't recall exactly, but
15 thereabouts.

16 Q. Okay. So I understand the comment. But I want
17 to know, more specifically, whether you're contending
18 that Ms. Delia, at anytime in the last three years of
19 your employment, whether you know she made decisions
20 about hiring or firing anyone?

21 A. Not that I know.

22 Q. And in the last three years of your employment,
23 do you know, specifically, whether Ms. Delia set
24 anyone's pay or schedules?

25 A. Well, the schedules, no. But the payments,

1 yes. If there was a salary increase or something like
2 that, she'd have to authorize it herself.

3 Q. And how do you know that?

4 A. Because Alberto told me.

5 Q. Did you ever see her do that in the last three
6 years of your employment?

7 A. No. As I answered before, I mean, Alberto
8 would tell me, but I never said that I saw her.

9 Q. Okay. Understood. In the last three years of
10 your employment with Delia's, did you ever see Ms. Delia
11 disciplining anyone?

12 A. No.

13 Q. You never saw that?

14 A. No.

15 Q. In the last three years of your employment with
16 Delia's, did you ever see Ms. Delia make any promotions
17 or demotion decisions?

18 A. No.

19 Q. In your last three years of your employment,
20 did you ever see Ms. Delia authorize any particular work
21 schedules?

22 A. No.

23 Q. I believe you said you still have pay stubs
24 from Delia's?

25 A. No. I did not tell you that, but I do have

1 Q. Did you-all have a armed vehicle service that
2 came and picked up the cash from the store?

3 A. No.

4 Q. Did you deposit on behalf of the store?

5 A. Yes.

6 Q. And would you ever go get cash from the bank
7 for the store?

8 A. No.

9 Q. You just deposited it?

10 A. That is correct.

11 Q. Who told you about the lawsuit -- this lawsuit?

12 A. No. I asked -- well, there was a comment and I
13 asked for information. So I resorted to the lawyer and
14 asked for information.

15 Q. Okay. From whom did you hear the comment?

16 A. I asked a co-worker.

17 Q. And what co-worker was that?

18 A. Carlos Lopez.

19 Q. Who's in the room with us right now?

20 A. Yes. That is correct.

21 Q. And what did Mr. Lopez tell you?

22 A. That he was going to find out about the phone
23 of the attorney.

24 Q. When you were a supervisor -- well, let me ask
25 you this. In this case, there's an allegation that

1 Delia's kept two sets of books. Are you aware of that
2 allegation?

3 A. What books are you referring to?

4 Q. I honestly don't know.

5 A. Honestly, I don't either.

6 Q. Okay. And certainly as a supervisor, you were
7 not keeping two sets of books, correct?

8 A. No. Well, it depends. Because I had -- there
9 were lots of different kinds of books. But in this
10 case, you're referring to two sets of books. I don't
11 know what you're referring to.

12 Q. What kind of books did you keep?

13 A. Well, there were different books that I had
14 separately. Reports, for instance, absenteeism, manager
15 reports, dates of purchases, or expiration dates of
16 certain items. Different kinds of books like that.

17 Q. And when you gave the general category of
18 reports, is there a more specific report that you can
19 identify for us?

20 A. No.

21 Q. But you're not aware of two sets of financial
22 books, correct?

23 A. Correct.

24 Q. And you're not aware of any two sets of books
25 regarding pay, correct?

1 A. Correct.

2 Q. What was your schedule?

3 A. It was practically 24/7.

4 Q. So you stayed in the store 24 hours a day, 7
5 days a week?

6 A. Well, no. But when I left there, I still got
7 calls because of alarms, reports, and things like that I
8 had to fix. And that counts as work.

9 Q. Got it. Okay. So what was the normal time
10 that you started your day and ended your day? And I
11 understand people continue calling you, but eventually
12 you say, okay, I'm gonna go home, I'm going to eat, I'm
13 gonna shower, do whatever it is you're gonna do.

14 A. Usually, I would come in at eight and I would
15 leave at four. But not all the time.

16 Q. Okay. And when you say "usually", what -- what
17 do you mean by "usually"? How many times a day would
18 you do eight to four? Or excuse me. How many times a
19 week would you do eight to four?

20 A. Well, it would vary. I didn't have a specific
21 day because I was the only one who actually went home
22 and would come back and check in on the business, and
23 maybe come at closing time.

24 Q. Okay. So about how many hours per day would
25 you say you worked?